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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,769	09/08/2003	Henry E. Juskiewicz	N9349	3950
23456	7590	05/02/2006	EXAMINER DONELS, JEFFREY	
WADDEY & PATTERSON 1600 DIVISION STREET, SUITE 500 NASHVILLE, TN 37203			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,769

Applicant(s)

JUSZKIEWICZ ET AL.

Examiner

Jeffrey Donels

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20041014</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1-28, the use of the phrase "adapted to" does not clearly or positively recite the structure necessary to perform the corresponding recited functions. This is especially true of Claims 24 and 25. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,8,9 are rejected (to the extent understood) under 35 U.S.C. 102(b) as being fully met by Duncan (USP 4524667).

Duncan discloses an electromagnetic pickup (Fig. 5) which comprises a bobbin-shaped support structure subassembly having a flanged top 54, a base 68, and a core

(not numbered) between the flanged top and base; and wherein the base is adapted to allow a pole piece 86 to be positioned within the core and a magnet 76 to be positioned inside the base in contact with the pole piece.

Claims 10,11,13-17 are rejected (to the extent understood) under 35 U.S.C. 102(b) as being fully met by Chobanian et al (USP 4348930).

Chobanian et al discloses a transducer for sensing string vibrational movement in two mutually perpendicular planes (Fig. 3) which comprises a magnetic assembly having only two magnetic pole pieces 32,34 and adapted to generate two magnetic fields; a coil assembly 40 positioned within the magnetic fields and adapted to generate two signals when the magnetic fields are varied by a guitar string vibrating in the magnetic fields; a support structure 70 adapted to provide support for the coil and magnetic assemblies; and wherein the two signals generated by the coil assembly can be combined together in a predetermined manner to generate an x-plane signal representative of vibrations of the guitar string in a first plane a predetermined distance from and parallel to an upper surface defined on the support structure and a y-plane signal representative of vibrations of the guitar string in a second plane a predetermined distance from the magnetic pole pieces and perpendicular to the upper surface of the support structure (see Col. 4 line 20 – Col. 5 line 17).

Claims 23-28 are rejected (to the extent understood) under 35 U.S.C. 102(e) as being fully met by Kinman (USP 7022909, originally filed 7/19/2001).

Kinman discloses a noise-sensing bobbin coil assembly (Fig. 3) comprising an electromagnetic array of individual audio transducers 51,53 adapted to be mounted on a guitar, each transducer adapted to generate two analog string signals having opposite polarities for a single guitar string vibrating a predetermined distance from the audio transducer; and the array further including a noise transducer 51 adapted to generate an analog noise signal representative of noise in the analog string signal pairs. See especially Col. 3 lines 19-25.

Claims 23-28 are rejected (to the extent understood) under 35 U.S.C. 102(b) as being fully met by Beller (USP 5525750).

Beller discloses a humbucking pickup for an electric guitar which comprises an electromagnetic array of individual audio transducers 70, 130, 140 adapted to be mounted on a guitar, each transducer adapted to generate two analog string signals having opposite polarities (Fig. 8) for a single guitar string vibrating a predetermined distance from the audio transducer; and the array further including a noise transducer (Fig. 4) adapted to generate an analog noise signal representative of noise in the analog string signal pairs.

Claims 18-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


Claims 5-7,12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Isvan, Altilio, McClish, Kinman '966, Blucher et al, Tumura, Lace, Lace, Jr., and Tumura are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey Donels
Primary Examiner
Art Unit 2837